



Attorney Docket No. T9376.DIV1

1806-180.00 3738
#8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: PETER PAL VARGA et al.)
TITLE: INTERVERTEBRAL SPACING)
IMPLANT SYSTEM)
SERIAL NO.: 10/055,673) SUPPLEMENTAL
FILED: January 22, 2002) INFORMATION DISCLOSURE
EXAMINER: D. Willse) STATEMENT UNDER 37 C.F.R.
ART UNIT: 3738) § 1.97

RECEIVED

SEP 17 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

TECHNOLOGY CENTER R3700

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). Applicant respectfully invokes the Patent Office's obligation under 37 C.F.R. § 1.97 to consider these references and make them of record in the above-captioned application. While no representation is made that any of these references may be "prior art" within the meaning of

Certificate of Deposit Under 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the 12 day of September, 2003.

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Karl R. Cannon
Karl R. Cannon
Attorney Registration No. 36,468
Attorney for Applicant

that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the references listed, together with any other references which may have been previously cited by or submitted to the Office, are the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each listed reference (or relevant portion thereof) which was not previously submitted to, or cited by, the Patent Office is also enclosed.

Statement of Relevance of References Listed
Unaccompanied by English Translation
Under 37 C.F.R. § 1.98(a)(3)

Since all listed references are either in the English language or are accompanied by a translation into English, no concise explanation of relevance is required under 37 C.F.R. § 1.98(a)(3).

Statement of References Previously Disclosed
Under 37 C.F.R. § 1.98(d)

The following listed references are not required to be provided under 37 C.F.R. § 1.98(d), and are therefore not enclosed,

because they were previously cited by or submitted to the Office in application number 09/592,072, now U.S. Patent No. 6,579,318, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Translations of FR 2736537 A1 and DE 19710392C1 were submitted to the Office in said prior application.

5,645,598	Brosnahan, III
6,258,125	Paul et al.
6,387,130	Stone et al.
6,402,785	Zdeblick et al.

EP 0 599 419
FR 2736537 A1
DE 19710392C1

Submission Fee
Under 37 C.F.R. § 1.97(c)

In accordance with 37 C.F.R. § 1.97(c), a check in the amount of \$180.00 to cover the submission fee is enclosed to secure consideration of the references listed on the enclosed Form PTO-1449.

Please charge any additional fees or credit any overpayment to
Deposit Account No. 50-0836.

DATED this 12 day of September, 2003.

Respectfully submitted,


Karl R. Cannon

Attorney Registration No. 36,468
Attorney for Applicant

CLAYTON, HOWARTH & CANNON, P.C.
P.O. Box 1909
Sandy, UT 84091
Telephone: (801) 255-5335
Facsimile: (801) 255-5338

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